

## 2003-6 Ensuring the Scientific Credibility of Government Public Health Advisory Committees

The American Public Health Association (APHA) recognizes that effective public health decision-making must be based upon the best possible science and expertise. A wide variety of federal government agencies with jurisdiction over public health, as well as state and local public health agencies, routinely engage scientific advisory committees, boards, commissions, councils, conferences, panels, task forces, study sections, or other similar groups to furnish expert advice, ideas, recommendations and diverse opinions and to guide agency policy and decision-making. At the federal level, the Department of Health and Human Services tops the list of agencies with the most advisory committees, with a total of 261 active committees in FY 2002. The National Science Foundation and the Environmental Protection Agency also make extensive use of advisory committees.<sup>1</sup> These committees are a core component in ensuring that the best science is brought to bear to protect the public's health. It is important that members of such scientific and public health advisory committees be well-qualified scientists or experts in their fields.

Through enactment of the Federal Advisory Committee Act (FACA) (P.L. 92-463) of 1972, Congress sought to provide better review, oversight, and accountability for federal advisory committees. FACA states that "standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees."<sup>2</sup> The law also states that federal advisory committees must be "fairly balanced in terms of the points of view represented,"<sup>3</sup> and further that such committees must "not be inappropriately influenced by the appointing authority or by any special interest."<sup>4</sup> However, there are currently no government-wide, uniform criteria for determining and managing conflicts of interest or achieving balance on federal scientific and public health advisory committees, or for determining the scientific or expert qualifications of candidates for such committees. Currently no such standards for committees exist at the state and local level.

A recent analysis of federal advisory committees' memberships revealed that members

affiliated with private businesses and trade associations account for 18 percent of the overall membership of advisory committees and 24 percent of the average committee's membership. In contrast, non-profit groups, charity groups, and the general public combined accounted for only 7 percent of the overall membership and 15 percent of the average committee's membership. The same analysis revealed that committees that are heavily weighted toward business and industry interests tend to prone to "undemocratic behavior," such as meetings that are closed to public scrutiny.<sup>5</sup>

To guard against undue influence in advisory committees, especially those responsible for providing scientific and public health advice, candidates for service should be free of direct financial conflicts of interest, such as occur when the person at issue (or that person's employer) would be directly financially affected by the presence or absence of a policy or regulation, by the outcome of a particular agency action, or by the advice rendered by the panel in question. Situations in which that person (or that person's employer) is currently employed by or under contract to an entity that is directly affected need to be examined carefully. In many instances these arrangements would create direct conflicts of interest that should disqualify the person from serving; in other cases, these would involve biases that should be disclosed to the agencies and the public.

A 1998 General Accounting Office (GAO) survey of federal advisory committee members found that 90 percent of respondents believed that their committees' memberships were fairly balanced in points of view represented.<sup>6,7</sup> More recently, however, government officials have taken steps to restructure key federal scientific and public health advisory committees by retiring the committees before their work is completed, removing or failing to reappoint qualified members and replacing them with less scientifically qualified candidates and candidates with a clear conflict of interest, and by focusing on the political and ideological leanings of potential panelists rather than their scientific qualifications. Such steps suggest an effort to inappropriately influence these committees.<sup>8,9</sup> In some cases, even agency study sections dedicated to peer

review have been tampered with.<sup>10-12</sup> As a result, decision-making may be affected in a number of vital public health arenas. Such arenas include environmental health, childhood lead poisoning prevention, occupational health, reproductive health, and human research protections.<sup>13-18</sup>

The American Public Health Association reaffirms the principle that scientific and expert advisory panels must be free from the influence of parties that stand to gain financially from the panels' decisions, and makes the following recommendations:

1. Government officials should re-evaluate the recently reconstituted advisory panels and take steps to address any deficiencies related to the scientific or expert qualifications, balance of perspectives, and financial conflict of interest of their membership;
2. Government officials should closely follow the guidelines set forth in the Federal Advisory Committee Act pertaining to the membership on scientific and public health advisory committees;
3. A credible and independent body, or bodies, such as the National Academy of Sciences and others, should establish more specific criteria to guide the selection of members on public health advisory committees and peer review research committees at all levels of government, namely federal, state and local. Such criteria should include, but not be limited to, a) financial disclosure, b) scientific expertise, c) avoidance of conflicts of interest, d) a continuum of views represented, and e) diversity including by race, ethnicity, gender, geography, and policy perspectives;
4. Such criteria should also serve as a model for state and local government officials when selecting membership for state or local advisory committees;
5. Based on these criteria, the federal Office of Government Ethics (and equivalent state and local bodies) should establish government-wide guidelines for implementing the selection criteria and managing advisory committees. Among other things, these guidelines should make conflict of interest forms uniform across agencies, clarify the array of financial interests that must be disclosed by potential committee members,

ensure greater public access to information about potential committee members, and promote genuine public participation in the selection process;

6. Congress, and relevant state and local entities, should set up an oversight capacity and take other steps to ensure that advisory committees meet the FACA standards for qualifications, balance, and conflicts of interest of members of key science and public health advisory committees; and
7. Non-governmental organizations should serve in a “watchdog” capacity to ensure that advisory committees meet the FACA standards for qualifications, balance, and conflicts of interest of members of key science and public health advisory committees, and that the proposed criteria be established in a timely manner.

## References

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